

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Grouse Mountain Lodge
Whitefish, MT

MAY 11, 2006

Commission Members Present: Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; Shane Colton; Vic Workman.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director, and FWP Staff.

Guests: See May 11, 2006 Commission file folder.

Topics of Discussion:

- 1. Opening - Pledge of Allegiance**
- 2. Approval of April 20, 2006 Commission Minutes**
- 3. Approval of Commission Expenses through April 30, 2006**
- 4. Acquisition of Black Bridge FAS on Yellowstone River near Glendive – Final**
- 5. Region 1 Deer Regulation Amendments**
- 6. HB454 Hunting Access Agreement**
- 7. 2006 Deer, Elk and Antelope Quotas – Tentative**
- 8. Commission Decision Whether to Reissue Nonresident Deer Combination Licenses Split from Big Game Combos – Final**
- 9. 2006 Upland Game Bird Seasons – Tentative**
- 10. Waterfowl Rules – Petition to Ban Motorized Spinning Wing Decoys–Tentative**
- 11. Public Opportunity to Address Issues Not Discussed at this Meeting**

1. Opening - Pledge of Allegiance. Chairman Doherty called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

2. Approval of April 20, 2006 Commission Minutes.

Action: Mulligan moved and Workman seconded the motion to approve the minutes of the April 20, 2006 Commission meeting. Motion carried.

3. Approval of Commission Expenses through April 30, 2006.

Action: Colton moved and Workman seconded the motion to approve the Commission expenses as presented. Motion carried.

4. Acquisition of Black Bridge FAS on Yellowstone River near Glendive – Final. Jim Satterfield, FWP Region 1 Supervisor, explained that this proposed 71-acre fishing access site is located at Glendive on the northwest side of the Yellowstone River. This site is comprised of hay meadows and cottonwood trees, and has a three-quarter mile section of river frontage. Black Bridge FAS would be the only access site in the 53-mile section of the Yellowstone River from Fallon to Intake. Fishing opportunities are excellent in this reach of the river.

The Glendive Chapter of Walleyes Unlimited provided \$5,000 in earnest money to hold the property, and in August 2005, the Montana Fish & Wildlife Conservation Trust (MFWCT) approved Walleyes Unlimited's grant request for an additional \$60,000 to complete the purchase. In its grant notification letter, however, MFWCT stipulated that FWP be the ultimate manager of the property. The Glendive Chapter of Walleyes Unlimited will execute a Purchase Option with MFWP, providing MFWP the right to acquire the land from Walleyes Unlimited for the price of one dollar.

The Environmental Assessment generated twelve comments of support for the acquisition. If the Commission approves this proposal, a second EA will go out and will address, among other items, the installation of a boat ramp, the development of an access road, camping, hunting and firearms restrictions, and habitat restoration. Enforcement will be provided by local law enforcement agencies.

Hagener explained that Conservation Trust Fund money is generated from interest earned from the sale of cabins on Canyon Ferry Lake.

Satterfield noted that although this site is part of a flood plain, it has been hayed for a number of years with only periodic high waters. One component of the EA will focus on placement of the boat ramp to address potential flooding issues.

Action: Brenden moved and Colton seconded the motion to approve the purchase of 71 acres in Dawson County from the Glendive Chapter of Walleyes Unlimited for the price of \$1 as recommended by the Department in its Decision Notice on the proposed Black Bridge Fishing Access Site.

Colton stated that this is a good proposal, and said he has been assured that the City of Glendive will work closely with FWP.

Chairman Doherty asked for comments from the public. There were none.

Action on Motion: Motion carried.

5. Region 1 Deer Regulation Amendments. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that a mistake had been made in the regulations database that created an LPT type for antlerless mule deer permits in addition to the "B" licenses. There are different fees associated with the two categories, therefore it is the recommendation of FWP to amend the regulations to legalize this second season type, and adjust the quotas for the five districts involved (HDs 100, 104, 121, 122 and 123). This would add "-60" to the district number (i.e. 100-60).

The public was involved in the season setting process when the original season type was approved, and since approval of this recommendation would not eliminate anyone from the drawing process, it should not draw opposition. Also, it would not create negative impacts on the wildlife resources.

FWP could contact those individuals who applied to request that they resubmit applications for another choice and pay additional fees for the drawing of B licenses, but that could only be done after all the applications were processed.

Action: Workman moved and Mulligan seconded the motion to approve the Region 1 mule deer antlerless permits in hunting districts 100, 104, 121, 122, and 123 as recommended by the Department.

Chairman Doherty asked for comments from the public. There were none.

Action on Motion: Motion carried.

6. HB454 Hunting Access Agreement. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that FWP has statutory authority (House Bill 454 -- 87-2-513 MCA) to issue either-sex or antlerless elk permits, for management purposes, to landowners who offer free public elk hunting and who comply with conditions stipulated in a contract between themselves and FWP. The contract defines the hunting area, the number of hunting days the landowner will allow, and any additional terms necessary to successful elk management. In return, the landowner receives one either-sex (411-21) permit.

John Swanz submitted the only application for this agreement. FWP has approved Swanz for the last four years, and it has proven to be a successful endeavor. Herbert said the only issue has been when elk were not available on the land.

Four additional 411-21 permits will be issued through a random drawing from the list of unsuccessful applicants for that particular license permit type. The four successful applicants may hunt only on Mr. Swanz' deeded land.

Action: Brenden moved and Colton seconded the motion to approve the Swanz Hunting Access Agreement for the 2006 general fall hunting season.

Mulligan asked if the four successful applicants would be eligible for the A9 license. Herbert said yes, and Colton said Swanz allows A9 hunters on his land. Graham Taylor, FWP Region 4 Wildlife Manager, added that the A9 licenses are not over-the-counter licenses.

Chairman Doherty asked for comments from the public. There were none.

Action on Motion: Motion carried.

7. 2006 Deer, Elk and Antelope Quotas – Tentative. Jff Herbert, FWP Wildlife Division Assistant Administrator, presented the proposed recommendations.

DEER

Region 1 – Deer

Nineteen recommended changes to the existing quotas.

- LPT 100-00: Increase antlerless White-tailed Deer B licenses from 200 to 500
- LPT 100-01: Decrease antlerless Mule Deer B licenses from 100 to 25
- LPT 100-60: Decrease antlerless Mule Deer B permits from 100 to 75
- LPT 101-00: Increase antlerless White-tailed Deer B licenses from 400 to 600
- LPT 102-00: Increase antlerless White-tailed Deer B licenses from 400 to 500
- LPT 103-00: Increase antlerless White-tailed Deer B licenses from 200 to 400
- LPT 104-00: Increase antlerless White-tailed Deer B licenses from 200 to 400
- LPT 104-01: Decrease antlerless Mule Deer B licenses from 50 to 10
- LPT 104-60: Decrease antlerless Mule Deer B permits from 50 to 40
- LPT 109-00: Increase antlerless White-tailed Deer B licenses from 150 to 300
- LPT 121-00: Increase antlerless White-tailed Deer B licenses from 400 to 600
- LPT 121-01: Decrease antlerless Mule Deer B licenses from 100 to 10
- LPT 121-60: Decrease antlerless Mule Deer B permits from 100 to 90
- LPT 122-01: Decrease antlerless Mule Deer B licenses from 100 to 10
- LPT 122-60: Decrease antlerless Mule Deer B permits from 100 to 90
- LPT 123-00: Increase antlerless White-tailed Deer B licenses from 50 to 100
- LPT 123-01: Decrease antlerless Mule Deer B licenses from 50 to 10
- LPT 123-60: Decrease antlerless Mule Deer B permits from 50 to 40
- LPT 124-00: Increase antlerless White-tailed Deer B licenses from 100 to 200

Action: Workman moved and Colton seconded the motion to approve the Region 1 Deer quotas as recommended by the Department.

Chairman Doherty asked for comments from the public. There were none.

Action on Motion: Motion carried.

Region 2 – Deer

Two recommended changes to the existing quotas.

- LPT 285-00: Decrease antlerless White-tailed Deer B licenses from 300 to 50
- LPT 291-00: Increase antlerless Mule Deer B licenses from 50 to 100

Region 3 – Deer

Three recommended changes to the existing quotas.

- LPT 339-00: Increase antlerless Mule Deer B licenses from 150 to 250
- LPT 343-00: Increase antlerless Mule Deer B licenses from 150 to 250
- LPT 380-01: Increase antlerless White-tailed Deer B licenses from 50 to 100

Region 4 – Deer

Nine recommended changes to the existing quotas.

- LPT 405-00: Increase Mule Deer B licenses from 300 to 500
- LPT 410-00: Increase Mule Deer B licenses from 100 to 300
- LPT 413-00: Increase Mule Deer B licenses from 300 to 500
- LPT 423-00: Increase Mule Deer B licenses from 75 to 150
- LPT 432-00: Increase Mule Deer B licenses from 100 to 300
- LPT 444-00: Increase Mule Deer B licenses from 250 to 400
- LPT 447-00: Increase Mule Deer B licenses from 400 to 700
- LPT 448-00: Increase Mule Deer B licenses from 75 to 200
- LPT 471-00: Increase Mule Deer B licenses from 100 to 300

Region 5 – Deer

Three recommended changes to the existing quotas.

- LPT 530-00: Increase Mule Deer B licenses from 125 to 200
- LPT 530-01: Increase Mule Deer B licenses from 75 to 120
- LPT 530-50: Increase Mule Deer Antlered Buck permits from 650 to 750

Region 6 – Deer

Ten recommended changes to the existing quotas.

- LPT 611-00: Increase Mule Deer B licenses from 100 to 300
- LPT 620-00: Increase Mule Deer B licenses from 200 to 300. Licenses also valid in HDs 621 and 622 outside the CMR
- LPT 630-00: Increase antlerless Mule Deer B licenses from 500 to 650. Licenses would also be valid in HDs 631 and 632
- LPT 650-00: Increase antlerless Mule Deer B licenses from 100 to 200
- LPT 651-00: Increase antlerless Mule Deer B licenses from 100 to 200
- LPT 670-00: Increase antlerless Mule Deer B licenses from 400 to 600
- LPT 680-00: Increase antlerless Mule Deer B licenses from 200 to 300
- LPT 690-00: Increase antlerless Mule Deer B licenses from 100 to 300
- LPT 698-00: Increase White-tailed Deer B licenses from 1,250 to 1,500. Non-resident
- LPT 699-00: Increase White-tailed Deer B licenses from 1,250 to 2,500. Resident

Region 7 - Deer

Three recommended changes to the existing quotas.

- LPT 007-11: Resident. Increase 2nd antlerless White-tailed Deer B license from 1,000 to 2,000
- LPT 007-14: Resident. Increase Mule Deer B license from 100 to 2,000
- LPT 797-00: Non-resident. Increase Mule Deer B license from 1,500 to 3,000

Action: Workman moved and Colton seconded the motion to approve the Regions 2, 3, 4, 5, 6, and 7 Deer quotas as recommended by the Department.

Chairman Doherty asked for comments from the public. There were none.

Action on Motion: Motion carried.

ELK

Region 1 – Elk

No recommended changes to the existing quotas.

Region 2 – Elk

One recommended change to the existing quotas.

LPT 201-00: Increase antlerless Elk permits from 325 to 425

Region 3 – Elk

Seven recommended changes to the existing quotas.

LPT 318-00: Decrease antlerless Elk permits from 150 to 75

LPT 332-20: Decrease either-sex Elk permits from 600 to 300

LPT 335-00: Increase antlerless Elk permits from 125 to 200

LPT 339-00: Increase antlerless Elk permits from 350 to 400

LPT 380-00: Increase antlerless Elk permits from 250 to 400

LPT 380-01: Increase antlerless Elk permits from 100 to 125

LPT 380-02: Increase antlerless Elk permits from 100 to 150

Region 4 – Elk

Five recommended changes to the existing quotas.

LPT 425-20: Increase either sex Elk permits from 2 to 5

LPT 441-00: Increase antlerless Elk permits from 150 to 250

LPT 442-00: Increase brow-tined bull or antlerless Elk harvest quota from 400 to 500

LPT 447-00: Increase antlerless Elk permits from 100 to 300

LPT 455-00: Increase antlerless Elk permits from 5 to 25

Region 5 – Elk

No proposed changes to the existing quotas.

Region 6 - Elk

Fifteen recommended changes to the existing quotas.

LPT 620-00: Increase antlerless Elk permits from 85 to 150

LPT 620-20: Increase either-sex Elk permits from 45 to 60

LPT 621-00: Increase Youth Elk permits from 25 to 50

LPT 621-01: Increase antlerless Elk permits from 150 to 300

LPT 621-02: Increase antlerless Elk permits from 130 to 250

LPT 621-20: Increase either-sex Elk permits from 35 to 50

LPT 622-00: Increase antlerless Elk permits from 100 to 600

LPT 622-20: Increase either-sex Elk permits from 30 to 60

LPT 631-00: Increase antlerless Elk permits from 70 to 150

LPT 631-20: Increase either-sex Elk permits from 15 to 30

LPT 680-80: Increase antlerless A9 Elk licenses from 25 to 50

LPT 690-00: Decrease Youth Elk permits from 25 to 5

LPT 690-20: Increase either-sex Elk permits from 10 to 25

LPT 690-21: Increase either-sex archery Elk permits from 15 to 25

LPT 690-80: Increase antlerless A9 Elk licenses from 75 to 100

Region 7 - Elk

Three recommended changes to the existing quotas.

LPT 700-00: Increase antlerless Elk permits from 350 to 500

LPT 798-20: Increase either-sex Elk permits from 150 to 200

LPT 799-20: Increase either-sex Elk permits from 100 to 150. Valid in HDs 702, 704, 705.

Action: Workman moved and Colton seconded the motion to approve the Regions 1 through 7 Elk quotas as recommended by the Department.

Discussion on motion:

Brenden said he has received several calls regarding the increase from 100 to 600 in HD622-00. People are concerned that the elk will go to the areas where hunting is not allowed so nothing will be accomplished, and there are concerns that there will be a great influx of hunters and traffic. He also questioned the decrease of youth permits in HD690-00.

Herbert said in the HD620 series, recent surveys indicated there were over 3,100 elk as compared to the 2,000 head of elk observed in the last survey two years ago -- the population is over objective. The decrease in youth hunting is because if there is a number of youth in those areas, landowners may be reluctant to provide access to the general public, therefore the objectives would not be reached.

Hagener said FWP is attempting to increase the number of permits in the HD690 area to achieve a greater harvest level. It is limited access there where only a few people are allowed per day, and if opportunities are strictly for youth, everyone is not being provided an opportunity, and the harvest level will not be reached. This area did not provide any youth opportunities in the past, but as a result of the seasons setting process, twenty-five were added. The reduction is still establishing youth opportunities that were not there to begin with.

Mulligan had concerns about reducing HD318 antlerless tags from 150 to 75. He said he understands the biologist's concerns relative to the impacts from Forest Service management, the travel management plan, increased mining, and grazing issues in HD318 where the recommendation is to reduce the number of cow tags, however, he asked FWP to look at whether the management plan objectives are realistic given the direction of management by the Forest Service. He stated there are landowners who are having chronic elk problems on their private land in Elk Park.

Kurt Alt, FWP Region 3 Wildlife Manager, said the HD318 area is complicated because the elk go back and forth between HD318 and HD215. The biologists in the two districts need to determine what the elk interchange is between the two areas. He is not sure what the distribution of the elk is between the summer range and winter range. Elk there are below population objective. He has concerns about the heavy use in that area, and the cumulative effects of the travel plan, grazing plans, and mining activity.

Mulligan said he has requested that a spring green-up survey be conducted to try to determine how many elk are in those two districts and what is happening.

Doherty asked about the increase in brow tine bull and antlerless elk harvest in HD442 from 400 to 500. **Graham Taylor, FWP Region 4 Wildlife Manager**, said this is a harvest quota and not permits. The harvest quota is managed through the check station. Any hunter can shoot any elk until such time as the harvest quota is met, then it goes to brow tine only.

Mulligan said he has heard concerns that large quota increases, such as that in HD410, negatively impact mule deer buck ratios. Graham Taylor said that it is just the opposite – the ratios are improving.

Colton said increases in Region 7 regarding either sex permits in HD798-20 and in HD799-20 are strong increases in one year. The justification indicates the elk are above objective, and there is a strong bull ratio there. Bulls are mostly responsible for the game damage in those areas, so the increased quotas are an attempt to address the game damage problem.

Joe Perry, Brady, said that either sex permits have gone from 2 to 5 in HD425. He would like to ask that no changes be made at all until sportsmen in that area have input.

Graham Taylor said HD425 is the Sun River WMA. The Commission adopted the quota of five in February. FWP has talked with the Cobb family and they have agreed to allow access.

Mulligan said this is tentative and the public will be allowed to comment. He asked Perry why there is a concern about an increased hunting opportunity. Perry stated that they want to be involved in the decision.

Herbert said the Department will highlight the proposed change in HD425-20 to increase the either-sex permits from 2 to 5. The change was adopted as a tentative in February of 2006.

Randy Matchet, USFWS / CMR, wanted the Commission to know that they would be happy to meet with FWP to discuss any issues.

Action on motion: Motion carried.

Mulligan recommended that FWP hold a meeting with the Forest Service, the landowners in the Elkhorns, himself and Kurt Alt to make sure changes and issues are discussed.

ANTELOPE

Region 1 – Antelope

No recommendations.

Region 2- Antelope

No recommended changes to the existing quotas.

Region 3 – Antelope

Three recommended changes to the existing quotas.

LPT 310-00: Increase either-sex Antelope licenses from 100 to 175

LPT 310-10: Increase doe/fawn Antelope licenses from 50 to 100

LPT 341-00: Increase either-sex Antelope licenses from 150 to 225

Region 4 – Antelope

No recommended changes to the existing quotas.

Region 5 – Antelope

No recommended changes to the existing quotas.

Region 6 – Antelope

Two recommended changes to the existing quotas.

LPT 650-00: Increase either-sex Antelope quota from 400 to 600

LPT 650-10: Increase doe/fawn Antelope quota from 50 to 100

Region 7 – Antelope

No recommended changes to the existing quotas.

Action: Colton moved and Brenden seconded the motion to approve the Regions 2 through 7 Antelope quotas as recommended by the Department.

Chairman Doherty asked for comments from the public. There were none.

Action on Motion: Motion carried.

8. Commission Decision Whether to Reissue Nonresident Deer Combination Licenses Split from Big Game Combos – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that when non-residents apply for big game combination licenses, they can separate out the deer license and apply for an elk only combination license. Those licenses are then reissued to non-residents between the general, landowner-sponsored, and outfitter categories - primarily to the general and landowner-sponsored categories. This year, there were 1,627 deer licenses separated out. Fifty eight eligible landowners applied for the licenses this year with the potential of 102 licenses available to them, and five more landowners who reported late may be eligible for 10 licenses. There are 1,515 licenses available in the general category. FWP recommends reissuing 1,515 licenses in the general category, and 112 in the landowner sponsored category.

Action: Colton moved and Mulligan seconded the motion to approve the reissuance of 1,515 separated deer licenses to non-residents in the general category, and 112 separated deer licenses to non-residents in the landowner-sponsored category.

Chairman Doherty asked for comments from the public. There were none.

Action on Motion: Motion carried.

9. 2006 Upland Game Bird Seasons – Tentative. Jeff Herbert, FWP Wildlife Division Assistant Administrator, said that typically the upland game bird regulations vary little from year to year. FWP has adopted standardized season dates for all species except pheasants, standardized bag and possession limits, and a more simplified set of regulations.

There are no recommended changes for mountain grouse, sharp-tailed grouse, partridge, falconry, and wild turkey seasons from those of 2005. It is recommended, however, to set the opening date for ring-necked pheasants to Saturday, October 7 to reflect calendar progression and the established link with the antelope season opener (Sunday, October 8). No proposed changes to the closing date (January 1) or the bag limit. (The opening day for Ringnecked Pheasants was attached to the opening day of Antelope season, based on past Commission action).

Vic said he had heard from constituents that the Mountain Grouse season is a couple of weeks too early and many immature birds are taken. Herbert said that the opening on September first as opposed to Labor Day has decreased the pressure.

Action: Colton moved and Mulligan seconded the motion to approve the Upland Game Bird seasons for mountain grouse, sharp-tailed grouse, partridge, falconry, and wild turkey seasons (season dates and bag limits remain the same as 2005), and to approve the opening date for ring-necked pheasants to Saturday, October 7 to reflect calendar progression and the established link with the antelope season opener (Sunday, Oct 8), and no change in the closing date (Jan 1) or the bag limit. Motion carried.

Hagener commented that Montana has two distinct sage grouse populations between the southwestern part of the state versus the eastern part of the state. He asked if there is much difference in the lek counts between the two, and should FWP consider a lower bag limit in the southwestern part.

Herbert noted that at one time the southwestern area and the eastern area each had their own separate seasons. Southwestern Montana had a shorter and more conservative season. FWP got away from that to simplify regulations.

Mulligan asked for rationale as to why the Department wants to see a recognizable difference in harvest rates through the quota reduction from 4 to 2.

Herbert said there are different harvest rates between restrictive packages and standard packages. To affect an actual change in harvest, the bag limit needs to be increased by more than one bird when moving between packages. These two harvest packages were adopted as part of an Adaptive Harvest Management framework for Sage Grouse in the Montana Sage Grouse Management Plan.

Action: Brenden moved and Colton seconded the motion to approve the tentative sage-grouse seasons which are to adopt the standard bag limit of 4 birds (increase from the restrictive bag limit of 2 in 2005) and retain the season dates of Sept 1 to Nov 1. Eliminate the sage-grouse hunting closure for a portion of Golden Valley County. The change in the bag limit is based on documented male sage-grouse attendance on specified leks that are used to establish a restrictive or standard bag limit under the Adaptive Harvest Management guidelines outlined in the Montana Sage Grouse Management Plan.

Colton said he is not comfortable with the quota of four as he feels it is high, but he will accept it for the tentatives. He does not know why anyone would want to shoot that many. They are not the sport bird that pheasants and sharp-tailed grouse are.

Jay Bodner, Montana Stockgrowers Association and the Montana Association of State Grazing, said last year they had looked at developing policies on sage grouse. What they looked at in the development of their policy was to move back the season and lower the bag limits. There will be future petitions for listing sage grouse. Some ranchers have fenced the overflows on their water tanks for the sage grouse, and they are adjusting their operations to attempt to improve habitat for them. Everyone should pitch in to try to save these birds. Other states have made quota adjustments and reductions to season lengths. Bodner requested a limit of 2, and moving the season dates back to October 1 through November 1. He said it is important to review several studies when determining if harvest is where it should be.

Action on Motion: Motion carried.

10. Waterfowl Rules – Petition to Ban Motorized Spinning Wing Decoys – Tentative. Jeff Herbert, FWP Wildlife Division Assistant Administrator, said a petition has been submitted to the FWP Commission asking that they consider banning spinning wing decoys.

Montana recently participated in a national duck hunter survey. The Central Flyway states, which include Montana, wanted a sample over the norm to use as baseline information. The survey was conducted last fall, and the information was compiled and distributed this last winter. Two questions in the national survey that dealt with spinning wing decoys asked hunters how often they used them, and whether or not they should be used. Herbert said the survey revealed a fairly even split in opinion. Opinions vary according to whether hunters view the decoy as a social / ethical issue or a biological resource issue.

Workman asked if duck populations in Montana are in danger. Herbert said certain species are of concern. A liberal hunting package has been in place over the last ten years under the adaptive harvest program. Duck populations have varied, but not to the point that a moderate or restricted package has been required, however that could certainly happen due to continued habitat degradation or change in weather patterns. Also, a major effect on prairie duck populations may result from changes in the CRP program and a decline in enrolled acreage in the prairie pothole region.

Colton said he is dead-set against this. There is not enough data to carry this proposal forward as a tentative recommendation. People using spinning wing decoys are already criticized as being against the rules of fair chase. Only one person whose name appears on the petition is from east of the Divide. Others are from Washington, DC, Washington state, and Missoula.

Brenden agreed, and said ducks and geese have increased in population since he was a child. He doesn't see the decoys as a detriment to populations, and banning them would set a precedent. He asked where it would stop.

Doherty noted that Helena is also east of the Divide, and there are two names on the petition from Helena. He stated that technological advances in hunting are already limited. Electronic devices, two-way radios, motion tracking devices, aircraft, etc. are not allowed to hunt with. It is a serious fair chase issue, and a question of ethics. This is a real issue and the Commission has been asked by the public to address it.

Colton said it is too soon to put it out as a tentative. This group has already criticized those who use the spinning wing decoy, and he suggested that perhaps many of the people who use them are afraid to speak up. The data frustrates him. Colton said the survey shows only 34% have ever used them, and 66% have never used them. It was stated that it is nearly an even split on the decisions, but it is not an even split – 32% had no opinion, and 24% said the decoys should not be allowed. He feels more data needs to be collected on their use before it is presented as a tentative. Information could be collected through the migratory waterfowl survey that must be completed to obtain the state waterfowl stamp. Colton added that some people use the spinning wing decoys because they like to hunt by themselves or with their children, and they can't carry in a lot of decoys. He noted that the decoys don't always work. Herbert said the USFWS is not driving this, and they have started a lengthy process to review their EIS on sport hunting.

Tim said there are several names on the petition who are members and officers of organizations that have national ties to conservation organizations. He wondered if those organizations have initiated nationwide initiatives on these petitions. Hagener said several states have prohibited the use of spinning wing decoys, and some have adopted partial bans. Washington and Oregon have imposed bans, California has imposed an early season ban to protect mallards, and Pennsylvania has totally banned any type of motorized mechanized duck hunting.

Action: Workman moved and Brenden seconded the motion to direct the Department not to initiate the petition concerning the proposal to ban the use of spinning wing decoys for waterfowl, and to not solicit public opinion on the use of these decoys.

Brent Mitchell, Kalispell, said these new devices may not affect populations, but it boils down to fair chase and ethics. He has not used the spinning wing decoy so has no definite opinion on them, but he is concerned about the fair chase issue. Technology and motorization bothers him as everything is becoming motorized. He cautioned that taking a long time to make changes can create a sense of entitlement to those have the new device. Studying something too long may cause problems down the road.

Action on Motion: Motion carried. Three in favor – two opposed (Doherty and Mulligan opposed).

11. Public Opportunity to Address Issues Not Discussed at this Meeting.

Rick Hawk, Kalispell, recommended setting the otter limit to one and the bobcat limit to three in Region 1. Quotas are reached long before the season ends.

Action: Colton moved and Workman seconded the motion to adjourn. Motion carried.

Meeting adjourned at 11:25 a.m.

A work session on trapping and furbearer management followed. Both the FWP Wildlife Division and the Montana Trappers Association participated in the work session.

Steve Doherty, Chairman

M. Jeff Hagener, Director